

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO, LLC,)
Plaintiffs,)
- vs -) Case No.
UBER TECHNOLOGIES, INC.,) 3:17-cv-00939
OTTOMOTTO LLC; OTTO)
TRUCKING, LLC,)
Defendants.)

VIDEOTAPED DEPOSITION OF JOHN BARES,
a witness, called by the Plaintiff for examination,
in accordance with the Federal Rules of Civil
Procedure, taken by and before Tammie Elias, RPR and
Notary Public in and for the Commonwealth of
Pennsylvania, at the office of Reed Smith, 225 Fifth
Avenue, Suite 1200, Pittsburgh, Pennsylvania, on
Friday, June 16, 2017, commencing at 9:05 a.m.

JOB No. 2640097

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1	by that I mean we needed -- if somebody else	12:15p
2	was first, we needed to be a nearby second.	12:15p
3	We just couldn't be second by three years or	12:15p
4	five years.	12:16p
5	Q. If three years or five years was too long to	12:16p
6	be second, what would have been an okay amount	12:16p
7	of time to be second?	12:16p
8	MR. BRILLE: Objection to form.	12:16p
9	A. Six months to a year probably.	12:16p
10	BY MR. JUDAH:	12:16p
11	Q. In let's say the fall of 2015, did you have	12:16p
12	any opinion as to how far behind for example	12:16p
13	Waymo's AV program Uber was?	12:16p
14	A. I had an opinion, yes.	12:16p
15	Q. What was that opinion?	12:16p
16	A. That we were like three or four years.	12:16p
17	Q. What was the basis for that opinion?	12:16p
18	A. Not much. Other than they had an outright	12:16p
19	eight-year head start and my view they had	12:16p
20	squandered a bunch of that time monkeying	12:17p
21	around building their own car and that we	12:17p
22	could -- we never believed in doing that, so	12:17p
23	we could at least jump ahead on that front.	12:17p
24	And then the second was that we had	12:17p
25	an intensely focused team that was excellent	12:17p

1 that was focused on one thing, not other 12:17p

2 business goals and I believed a lot in the 12:17p

3 team and I thought we could catch up and 12:17p

4 technology of course is on our side, computers 12:17p

5 get faster every year, storage gets cheaper. 12:17p

6 So starting later in this game has an 12:17p

7 inherited advantage just of that. 12:17p

8 Q. So you thought that even though Uber ATC had 12:17p

9 an eight-year absolute time disadvantage, that 12:17p

10 by late 2015 you were probably only three to 12:17p

11 four years behind? 12:17p

12 MR. BRILLE: Objection to form. 12:17p

13 Misstates the testimony. 12:17p

14 A. Yes. 12:17p

15 BY MR. JUDAH: 12:17p

16 Q. I want to ask you about -- 12:17p

17 A. And we had also licensed a huge amount of 12:18p

18 intellectual property from Carnegie Mellon and 12:18p

19 that I believe saved us a large chunk of time 12:18p

20 moving forward. And part of that eight-year 12:18p

21 head start was that when Chris Urmson left 12:18p

22 Carnegie Mellon, which I knew as a peer, he 12:18p

23 opened Source Stal with his software so Google 12:18p

24 didn't have to license it. 12:18p

25 Q. But then neither did you? 12:18p

1	A.	What's that?	12:18p
2	Q.	But then neither did Uber?	12:18p
3	A.	Yeah, but that was eight-year-old software, so	12:18p
4		we did it the right way.	12:18p
5	Q.	What do you mean you did it the right way?	12:18p
6	A.	I think to open Source software to avoid a	12:18p
7		license is a little odd.	12:18p
8	Q.	So the fact that you had licenses from	12:18p
9		Carnegie Mellon was part of the reason why in	12:19p
10		your opinion Uber ATC was only three to four	12:19p
11		years behind Google, Waymo?	12:19p
12	A.	Exactly.	12:19p
13	Q.	I want to ask some more questions about	12:19p
14		Mr. Levandowski. When did you first hear the	12:19p
15		name Anthony Levandowski?	12:19p
16	A.	On or around 2004 related to the Darpa grand	12:19p
17		challenge.	12:19p
18	Q.	When was the next time you heard the name	12:19p
19		Anthony Levandowski?	12:19p
20	A.	Well, it was that -- I met him.	12:19p
21	Q.	You met him at the 2004?	12:19p
22	A.	Yeah, I tried to hire him, yeah.	12:19p
23	Q.	You tried to hire him in 2004, you tried to	12:19p
24		hire him for what capacity, remind me where	12:19p
25		you worked?	12:19p